

**Posted: October 1, 2019**  
**Donna Nickerson**  
**4:30 P.M.**  
**Revised: October 2, 2019**  
**Donna Nickerson**  
**2:00 P.M.**  
**Revised: October 3, 2019**  
**1:00 P.M.**  
**Donna Nickerson**  
**Revised: October 7, 2019**  
**4:00 P.M.**  
**Donna Nickerson**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**AGENDA**

**October 8, 2019**

***THIS MEETING WILL NOT BE CONDUCTED BY VIDEOCONFERENCE.***  
***THIS MEETING WILL BE VIDEO STREAMED LIVE AT 1:00 P.M.***

**I.** Call Meeting to Order – **1:00 P.M.**, Dover

**II. READING OF THE MEETING MINUTES:**

- September 12, 2019
- September 26, 2019 – Public Session
- September 26, 2019 – Executive Session

**III. CONSENT AGENDA:**

1. IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C ("BERZINS") (FILED AUGUST 9, 2019) – PSC DOCKET NO. 19-0505

Commission to consider:

- Application (PREVIOUSLY SENT TO COMMISSIONERS)
  - [Staff Memorandum](#)
  - [Proposed Order No. 9472](#) which would grant Tidewater Utilities, Inc.'s request for a Certificate of Public Convenience and Necessity to provide water services to one parcel of land in Sussex County, DE.
2. IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C ("REHOBOTH DISTRICT 1") (FILED AUGUST 9, 2019) – PSC DOCKET NO. 19-0507

Commission to consider:

- Application (PREVIOUSLY SENT TO COMMISSIONERS)
- [Staff Memorandum](#)
- [Proposed Order No. 9473](#) which would grant Tidewater Utilities, Inc.'s request for a Certificate of Public Convenience and Necessity to provide water services to five parcels of land in Sussex County, DE.

- \*\*3.** IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION REGARDING ITS ACQUISITION AND CONVERSION OF PROPANE COMMUNITY GAS SYSTEMS (FILED AUGUST 20, 2019) – PSC DOCKET NO. 19-0529
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Commission to consider:

- [Proposed Order No. 9480](#) changing the Hearing Examiner from Glenn Kenton to Mark Lawrence.

**\*\*PLEASE NOTE: THIS ITEM WAS ADDED TO THE AGENDA AFTER THE INITIAL POSTING DATE AT THE REQUEST OF STAFF.**

#### **IV. REGULAR AGENDA:**

1. IN THE MATTER OF THE APPLICATION OF LEWES BOARD OF PUBLIC WORKS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 DEL. C. §203C (FILED JULY 9, 2019) – PSC DOCKET NO. 19-0444
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Commission to consider:

- Application (PREVIOUSLY SENT TO COMMISSIONERS)
- [Proposed Order No. 9476](#) granting City of Lewes, Cape Henlopen Medical Center LLC, and Mitchell Family LLC's request to intervene.
- **\*\*City of Lewes Motion to Dismiss or Stay. ([Part 1](#)) ([Part 2](#))**
- **\*\*[Cape Henlopen Medical Center LLC](#) Motion for Separate Finding.**
- [Staff Memorandum](#)
- **\*\*PLEASE NOTE: THESE ITEMS WERE ADDED TO THE AGENDA AFTER THE INITIAL POSTING DATE AT THE REQUEST OF STAFF.**

2. IN THE MATTER OF THE JOINT APPLICATION OF TIDEWATER UTILITIES, INC. AND J.H. WILKERSON & SON, INC. FOR APPROVAL OF THE SALE AND TRANSFER OF WILKERSON WATER COMPANY AND BROADKILN BEACH WATER COMPANY. (FILED SEPTEMBER 3, 2019) – PSC DOCKET NO. 19-0576
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Commission to consider:

- Application (PREVIOUSLY SENT TO COMMISSIONERS)

- [Staff Memorandum](#)
- [Proposed Order No. 9474](#) which would approve Tidewater's purchase of J. H. Wilkerson & Son, Inc.

3. IN THE MATTER OF THE TARIFF FILING BY CHESAPEAKE UTILITIES CORPORATION FOR A NEW RATE SCHEDULE "MVFF" CALLED TOWN OF MILLVILLE FRANCHISE FEE RIDER (FILED SEPTEMBER 18, 2019) – PSC DOCKET NO. 19-0604

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Commission to consider:

- Application (PREVIOUSLY SENT TO COMMISSIONERS)
- [Proposed Order No. 9479](#) which would open the docket set certain deadlines, and issue a form of public notice to address Chesapeake Utilities Corporation's application for a new rate schedule called "Town of Millville Franchise Fee Rider" ("MVFF").

**IV. HEARING SCHEDULE:**

**VI. PUBLIC COMMENT:**

**VII. DIRECTOR'S COMMENTS:**

- \*\*Staff to provide an update on litigation
- **The Commission may convene in Executive Session under 29 Del. C. §10004(b) (4) for the purposes of discussing legal strategy or receiving legal advice/update of a privileged or confidential nature. This information is not a matter of public record as defined in 29 Del. C. §10002 (l) (2)**

**\*\* PLEASE NOTE: THIS ITEM WAS ADDED TO THE AGENDA AFTER THE INITIAL POSTING DATE AT THE REQUEST OF STAFF**

- Next Commission Meeting – October 22, 2019
- Other Comments

**NOTICE**

Pursuant to 29 *Del. C.* §10004(e) (2), this Agenda may be changed to include additional items including executive sessions or to delete items that arise at the time of the Commission meeting.

Commission Staff or other parties may provide the Commission with Proposed Orders to help expedite the administrative process; however, the Commission will consider each Agenda item independently, determine any appropriate actions and may approve, revise or reject any Proposed Orders consistent with the Commission's determination.

During the Meeting, an executive session closed to the public may be called for certain purposes, including, but not limited to, strategy sessions to discuss pending or potential litigation, discussions of confidential documents, and certain personnel matters.

Items marked with an "\*\*\*" were added following the initial Agenda posting. An explanation for their addition to the Agenda is included following the description of the particular item.

Interested persons should contact the Commission at 1-800-282-8574 (within Delaware) for information or questions about the Agenda. The Agenda may also be viewed, after posting, at the Commission's Internet website found at [depsc.delaware.gov](http://depsc.delaware.gov).